

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

FILED

2011 AUG 10 P 2:30

U.S. DISTRICT COURT
NEW HAVEN, CT

ADRIAN PEELER,

Plaintiff,

v.

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) **COMPLAINT FOR INJUNCTIVE RELIEF**

U.S. DEPARTMENT OF JUSTICE,

DRUG ENFORCEMENT AGENCY

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

Defendant.

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COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action brought under the Freedom of Information Act, 5 U.S.C. § 552, as amended, for injunctive and other appropriate relief and seeking disclosure and release of agency records improperly withheld from the Plaintiff by the Defendant, Department of Justice (DOJ) and its component, the Drug Enforcement Agency (DEA).

Jurisdiction and Venue

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).
3. Plaintiff, Adrian Peeler, is an interested party in that Defendant gathered Plaintiff's personal information during investigations.
4. Defendant DOJ/DEA is a Department of the Executive Branch of the United States Government, and includes the component entity DEA. The DOJ is an agency within the meaning of 5 U.S.C. § 552(f).

Government Agency's Acquisition of Private Sector Personal Information

5. Between November 1, 1998 and February 25, 1999, the Defendant gathered personal data from the Defendant and others in the form of telephone call information including, but not limited to, dialed parties, dialed numbers, dialed names, dialed addresses, dialed dates, and times that calls were dialed.
6. Defendant held information under case number CV-99-0008.

Plaintiff's FOIA Requests and Defendant's Responses

7. On April 30, 2010, Plaintiff requested from Defendant DOJ's component DEA all records in connection with DEA case number CV 99-0008.
8. On May 11, 2010, Defendant, through Katherine Myrick, Chief of the FOI Records Management Section, responded that the request was opened and assigned case number 10-00787-P.
9. On June 25, 2010, Plaintiff requested an update from the initial April 30, 2010 request. Defendant did not respond.
10. On October 26, 2010, Plaintiff again requested an update to the original April 30, 2010 request. Defendant did not respond.
11. On November 16, 2010, Plaintiff again requested an update to the original April 30, 2010 request. Defendant did not respond.
12. On January 4, 2011, Plaintiff again requested an update to the original April 30, 2010 request.
13. On January 5, 2011, the Defendant responded with a two page letter, one page FOIA citation, and twelve page attachment or records, of which only six pages were made available.
14. On January 17, 2011 Plaintiff appealed the Defendant's decision.
15. On February 2, 2011, Defendant, through Priscilla Jones, Supervisory Administrative Specialist, acknowledged receipt of Plaintiff's administrative appeal and assigned number AP-2011-00979.
16. On February 7, 2011, Defendant again acknowledged receipt of Plaintiff's administrative appeal and assigned number AP-2011-01054.
17. On April 25, 2011, Defendant, through Janice Galli McLeod, Associate Director, concluded that the DEA properly withheld certain information that is protected from FOIA disclosure.

18. Plaintiff has exhausted the applicable administrative remedies with respect to its FOIA request to Defendant DEA.

Cause of Action

19. The DEA has wrongfully withheld the requested records from the Plaintiff in violation of the Freedom of Information Act.

20. Plaintiff is entitled to an order requiring the immediate processing and release of the requested documents pursuant to 5 U.S.C. § 552(a)(4)(B).

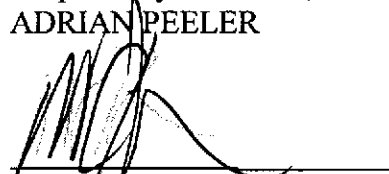
Requested Relief

WHEREFORE, Plaintiff prays that this Court

- A. Order the Defendant to disclose the requested records in their entireties and make copies available to the Plaintiff;
- B. Provide for expeditious proceedings in this action;
- C. Award plaintiff its costs and reasonable attorneys fees incurred in this action; and
- D. Grant such other relief as the Court may deem just and proper.

DATED: June 28, 2011

Respectfully submitted,
ADRIAN PEELER

A handwritten signature in black ink, appearing to read 'Walter C. Bansley IV', is written over a horizontal line.

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